

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sruthi Venigalla	Team: Squad #13	CCRB Case #: 201507019	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/10/2015 3:00 PM	Location of Incident: In front of the 81st Precinct stationhouse; 986A Gates Avenue; and § 87(2)(b)	Precinct: 81	18 Mo. SOL 2/10/2017	EO SOL 2/10/2017	
Date/Time CV Reported Wed, 08/12/2015 2:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/20/2015 12:55 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ryan Galvin	08096	948997	081 PCT
2. An officer			
3. Officers			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: On August 10, 2015, in the vicinity of § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
B.POM Ryan Galvin	Discourtesy: On August 11, 2015, in the vicinity of 986A Gates Avenue in Brooklyn, PO Ryan Galvin spoke discourteously to § 87(2)(b)	
C.POM Ryan Galvin	Off. Language: On August 11, 2015, in the vicinity of 986A Gates Avenue in Brooklyn, PO Ryan Galvin made remarks to § 87(2)(b) based upon race.	
D. Officers	Abuse: On August 12, 2015, in the vicinity of § 87(2)(b) in Brooklyn, officers stopped individuals.	
E. Officers	Abuse: On August 12, 2015, in the vicinity of § 87(2)(b) in Brooklyn, officers frisked individuals.	

Case Summary

On August 12, 2015, § 87(2)(b) filed this complaint with IAB. This complaint was forwarded to the CCRB on August 20, 2015 under IAB log number 15-23271. § 87(2)(b)'s complaint, which involves three incident dates, is summarized below (Board Review 71). This case which was assigned to Inv. Mercedes Bayon, was reassigned to the undersigned on October 22, 2015 upon Inv. Bayon's departure from the agency.

On August 10, 2015, at approximately 3:00 p.m., § 87(2)(b) left his home located at § 87(2)(b) in Brooklyn and began walking alone towards the train at Ralph Avenue. At the intersection of Gates Avenue and Ralph Avenue, in front of the 81st Precinct stationhouse, § 87(2)(b) observed a black man with short dark hair and a husky body build, who was approximately 5'8" tall and who appeared between 32 and 34 years of age. Although this man was dressed in plainclothes, § 87(2)(b) recognized the man as an officer from a previous arrest in April of 2014. § 87(2)(b) was not sure if he was the arresting officer, but indicated that he was involved in his arrest. The officer was leaning against a vehicle and speaking with an unknown black female. As § 87(2)(b) passed by, the officer remarked to § 87(2)(b) "I'mma get you scumbag. I'mma set you up" (**Allegation A**). In response, § 87(2)(b) stated, "Do what you gotta do." This interaction only lasted about five seconds and occurred in passing as § 87(2)(b) was walking to the train. § 87(2)(b) did not know the name of the female or have any contact information for her.

On August 11, 2015, between 4:00 p.m. and 5:00 p.m., after completing some housework at a friend's house located at § 87(2)(b), § 87(2)(b) walked to a corner store at 986A Gates Avenue in Brooklyn. § 87(2)(b) walked to the store alone and did not interact with anyone on his way. When he opened the door and entered the store, an officer identified by the investigation as PO Ryan Galvin of the 81st Precinct, was walking out of the store. § 87(2)(b) stated that PO Galvin, who was dressed in uniform, was a white man with blue eyes, blonde hair, a muscular build, and who appeared to be 6'0" tall. PO Galvin looked at § 87(2)(b) and stated, "Oh you got out scumbag," (**Allegation B**) and also called him a "Spic" (**Allegation C**). § 87(2)(b) stated that because the store was busy, and that the store attendants were occupied, no one could have heard PO Galvin make this statement. Without replying, § 87(2)(b) continued walking into the store. PO Galvin then walked out of the store, made eye contact with § 87(2)(b) and walked into the 81st Precinct stationhouse.

On August 12, 2015, at approximately 3:30 p.m., § 87(2)(b) was standing outside of his building located at § 87(2)(b) in Brooklyn, smoking a cigarette and conversing with several others also standing outside of the building. As § 87(2)(b) was standing in front of his building, he observed three men across the street. He stated that one man was about 6'0" tall, Hispanic, with a thin build and black hair; the second man was Hispanic and about 6'0" tall; and the third man was black, short, and heavysset. He did not know any of the men and did not have any contact information for them. However, he believed that the first man lived near Monroe Street or Madison Street because he often observes him around the area. As the three men attempted to cross the street, a black unmarked vehicle drove down Gates Avenue. The vehicle stopped and two officers exited the vehicle. § 87(2)(b) described these officers as the ones he interacted with during the previous incident dates. There was a third officer in the vehicle, who was the operator, but this officer did not exit the vehicle and § 87(2)(b) could not describe him or her.

When the officers exited, they approached the three men and patted them down over their clothing (**Allegations D and E**). He did not hear the officers tell them anything. After they were patted down, the officers got back into the vehicle. The three men continued crossing the street and stood in front of § 87(2)(b). One officer looked at § 87(2)(b) pointed his hand out the window at § 87(2)(b) and stated, “I’mma get you.” The officers then drove away. § 87(2)(b) never made any statement to the officers.

§ 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b)
[REDACTED]
- A § 87(2)(c), § 87(2)(b)
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- PO Ryan Galvin has been a member of the NYPD for five years. He has had 16 other allegations involving seven cases. In CCRB case numbers 201306539 and 201407556, PO Galvin received charges for substantiated allegations of a vehicle search and entry of premises, respectively. § 87(2)(g)
[REDACTED]
- § 87(2)(b) has filed two previous complaints. § 87(2)(b)
[REDACTED]
[REDACTED]

Findings and Recommendations

Allegation A – Discourtesy: On August 10, 2015, in front of the 81st Precinct stationhouse in Brooklyn, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that on August 10, 2015, a black male officer assigned to the 81st Precinct, who had arrested him in April 2014, said to him, “I’mma get you scumbag. I’mma set you up.” § 87(2)(b)
[REDACTED]

[REDACTED]. According to his statement and memo book, PO Etienne was not working at the time of the alleged incident (Board Review 72).

Memo book entries for Sgt. Erek Powers and PO Julien Romando, both black men who are assigned to the 81st Precinct anti-crime team indicate that they were not working at the time of the alleged incident (Board Review 73, 75).

§ 87(2)(g)

Allegation B – Discourtesy: On August 11, 2015, in the vicinity of 986A Gates Avenue in Brooklyn, PO Ryan Galvin spoke discourteously to § 87(2)(b)
Allegation C – Offensive Language: On August 11, 2015, in the vicinity of 986A Gates Avenue in Brooklyn, PO Ryan Galvin made remarks to § 87(2)(b) based upon race.

It is undisputed that § 87(2)(b) observed PO Galvin in the vicinity of a deli located at 986A Gates Avenue; however, the circumstances surrounding the allegations are in dispute.

PO Galvin stated that at a date and time he could not recall, he left the 81st Precinct stationhouse to purchase lunch at a deli located in the vicinity of 906 Gates Avenue. As he was leaving the deli, PO Galvin encountered § 87(2)(b). However, PO Galvin believed it may have been August 11, 2015 because he recalled wearing plainclothes without a protective vest. PO Galvin stated that neither he nor § 87(2)(b) spoke to each other but that § 87(2)(b) gave him “a dirty look like he wanted to fight him.” PO Galvin denied calling § 87(2)(b) a “scumbag” or a “spic.” (Board Review 74).

§ 87(2)(g), § 87(2)(b)

However, PO Galvin could not recall the time and date, and only assumed that it may have been the alleged date based on a recollection of his attire. § 87(2)(b) also stated that because the store was busy and that the store attendants were occupied, he did not believe anyone heard PO Galvin make this statement.

§ 87(2)(g)

Allegation D – Abuse of Authority: On August 12, 2015, in the vicinity of § 87(2)(b) in Brooklyn, officers stopped individuals.
Allegation E – Abuse of Authority: On August 12, 2015, in the vicinity of § 87(2)(b) in Brooklyn, officers frisked individuals.

§ 87(2)(b) stated that on August 12, 2015, in the vicinity of § 87(2)(b) in Brooklyn, three officers exited an unmarked vehicle and approached three men, whom § 87(2)(b) did not know or have contact information for. He alleged that the officers frisked the men without saying anything, and then got back into their vehicles.

An event summary and Stop, Question and Frisk Log for August 12, 2015 between the hours of 12:00 p.m. and 6:00 p.m. did not list any results. The 81st Precinct roll call for Tour 3 for August 12, 2015, also did not list any possible subject officers (Board Review 84, 85, 86).

During their statements at the CCRB, PO Galvin (Board Review 74) and PO Ettienne (Board Review 72) stated that they performed administrative duties and remained at the stationhouse throughout their tour. Both officers, who also documented this in their memo books,

denied having interacted with § 87(2)(b) on that day. PO Ettienne also added that he was not assigned to a vehicle.

§ 87(2)(g)

Pod:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date